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TO:	Mail Stop Appeal Brief ATTN: Examiner Fenn C. Mathew Art Unit: 3764	FROM:	DAVID J. KENEALY Cermak & Kenealy LLP
FAX:	571-273-8300	REF. NO:	MA3005-0031
VOICE:		PAGES	(incl. this sheet)
App. No.:	09/870,672	DATE:	April 3, 2006

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- 3) Appeal Brief ( 21 pp)
- 4) Petition for One Month Extension of Time and Fee Chart (2 pp.)
- 5) PTO-2038 (1 pg)

  
David J. Kenealy  
Registration Number 40,411

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April 3, 2006

**APR - 3 2006**

Atty. Docket No. MA3005-0031

In re application of: Ryota SUGIMOTO  
Application. No.: 09/870,672  
Filing Date: June 1, 2001  
Title: IMPLANTABLE TUBULAR DEVICE

**Mail Stop Appeal Brief - Patents**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Appeal Brief in the above-identified application.

- ☒ The fee under 37 CFR 41.20(b)(2) for filing a brief in support of an appeal is enclosed.
- ☐ The fee under 37 CFR 41.20(b)(3) to request for oral hearing is enclosed.
- ☒ An extension of time petition and the request fee of \$120.00 for one months is enclosed.

The above fees are submitted via the following payment method:


- ☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.
- ☐ A check in the amount \_\_\_\_\_ is enclosed, including to cover any extension of time fee.
- ☒ Credit Account Payment Form (PTO-2038) authorizing payment of \$ 620.00.
- ☒ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to
  - ☒ Deposit Account No. identified in previously filed Constructive Petition, or
  - ☒ the credit account identified in the attached PTO-2038.
  - ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims.
  - ☒ Any patent application processing fees under 37 C.F.R. § 1.17 or 37 C.F.R. § 41.20.
  - ☒ Any Extension of Time fee.

**U.S.P.T.O. Customer No. 39083**

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Respectfully submitted,

Cermak & Kenealy LLP

  
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Date: April 3, 2006